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Convention on the Rights of the Child

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Committee on the Rights of the Child
Sixty-eighth session

Summary record (partial) of the 1955th (Chamber A) meeting**
Held at the Palais Wilson, Geneva, on Tuesday, 20 January 2015, at 3 p.m.

Chairperson: Ms. Sandberg

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Combined fourth and fifth periodic reports of Colombia

* Reissued for technical reasons on 29 January 2015.
** No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined fourth and fifth periodic reports of Colombia (CRC/C/COL/4-5; CRC/C/COL/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Colombia took places at the Committee table.*

2. **Ms. Plazas Michelsen** (Colombia) said that the Havana peace talks were expected to end the conflict in Colombia. The national development plan proposed for the following four years would focus on peace, equity and education, with particular emphasis on the comprehensive protection of children. The Constitution recognized the primacy of children's rights. The 2006 Children's and Young Persons' Code incorporated the obligations set forth in the Convention and other international human rights instruments, in keeping with the Committee's recommendation. The National Family Welfare System encompassed national and territorial government entities and monitoring agencies in addition to civil society organizations and children, whose views were taken into account in public policies.

3. Spending on children's affairs had risen by approximately 50 per cent between 2011 and 2014. Territorial development plans were systematically assessed at regular intervals, with the input of children and civil society. The Government had set up an integrated information system on children, which included more than 50 indicators of the effective enjoyment of rights, in accordance with another of the Committee's recommendations. Thousands of vulnerable families had been provided with free housing, and access to safe drinking water and basic sanitation would be extended to nearly the entire population by 2018.

4. A Comprehensive Policy on Early Childhood Services had been adopted, more than tripling annual investment per child and resulting in improved nutrition, additional skilled professionals, enhanced education services, closer cooperation with communities and a safer environment. Longitudinal studies had shown that outcomes across various child development indicators, such as language and cognition, had significantly improved. The goal was to ensure that all vulnerable children aged 0 to 5 benefited from the policy by 2018. Regarding children between 6 and 18, a number of initiatives had been launched under the Statutory Youth Act, including the awarding of university scholarships, the creation of new technology training places, the enhancement of basic education and the provision of tablets and computers to public schools.

5. Policies had been adopted on a range of children's issues, including the empowerment of girls, gender stereotypes, teenage pregnancy, child labour and sexual exploitation. More than 60 centres had been set up countrywide to receive and investigate complaints of sexual and domestic violence.

6. Providing statistical data on the fulfilment of the Millennium Development Goals, she said that particular progress had been achieved on the following indicators: low birth weight, infant mortality, malnutrition in children under 5, vaccination coverage, deliveries by trained professionals, exclusive breastfeeding and free basic education. Nevertheless, inequalities among regions and between population groups, especially those that were most vulnerable, such as indigenous peoples, Afro-Colombians, victims of the conflict and rural inhabitants, remained a major challenge.

7. The armed conflict had had severe repercussions on children, thousands of whom had been forcibly recruited, sexually exploited, displaced, orphaned or disabled by landmines. The Government's comprehensive response sought to remove children from

illegitimate armed groups, restore children's rights and provide reparation, including compensation and physical and emotional rehabilitation. Non-governmental organizations (NGOs), foster families and biological families were strong partners in those efforts, which had benefited some 30,000 children thus far. It should be noted that children did not lose their status as victims, and therefore their entitlement to assistance, once they turned 18.

8. In 2007, an intersectoral commission consisting of 23 government entities had been established to prevent the recruitment and sexual exploitation of children. Lastly, the Government was cooperating with UNICEF to evaluate prevention measures with a view to further improving the protection of children, especially by involving families and communities.

9. **The Chairperson** (Country Task Force), said that, although the adoption of the Children's and Young Persons' Code had been a welcome development, some reports suggested that it was not being implemented effectively. She asked whether all the necessary regulations had been adopted to enforce the Code. Enquiring about the outcomes of the National Development Plan 2010–2014, she asked whether it had been assessed. She wished to know whether a new plan had been adopted and, if so, what its content was and how it related to the National Plan for Children and Adolescents. She welcomed the establishment of the Colombian Family Welfare Institute; however, she wondered whether it had the necessary capacity and resources to fulfil its mandate both nationally and locally. Further information on interministerial coordination would be useful.

10. She asked whether the proportion of the overall budget allocated to children's affairs had been increased only temporarily; if so, why it had been cut again and how the Government monitored actual spending. She also asked what steps were being taken to enhance anti-corruption efforts.

11. Noting that, as a general rule, the Committee wished to receive detailed information on the impact of government policies and programmes, she asked how effective efforts to disseminate the Convention had been and what steps were planned to correct persistent gaps in awareness of the Convention and the Committee's concluding observations. She requested additional information on training in children's rights, in particular who received such training, what its content was and whether it was true that it was not available to justice officials.

12. Recalling that the State must hold the private sector accountable, she enquired about any measures adopted to ensure that children's rights were not violated in the conduct of economic activities, in particular coal mining and tourism.

13. **Mr. Nogueira Neto** (Country Task Force) pointed out that, despite the inclusion in national legislation of the principle of non-discrimination, indigenous peoples and Afro-Colombians continued to be discriminated against and to have lower education and health outcomes. He asked how the Government ensured equal rights for those groups and whether additional legal measures were planned, including affirmative action. In that connection, he asked whether the Government cooperated with indigenous and Afro-Colombian leaders, whether public servants were adequately trained in minority issues and rights and whether the Government took into consideration the recommendations contained in the Committee's general comment No. 11 on indigenous children and their rights under the Convention. He wished to know whether indigenous and Afro-Colombian children continued to suffer disproportionately from displacement, violent offences, landmines and recruitment by illegitimate armed groups and, if so, what steps were planned or being taken to correct the problem. He also wished to know why, despite the introduction of bilingual instruction in Spanish and indigenous languages, literacy remained so low among the indigenous population.

14. Noting that the principle of the best interests of the child had been incorporated into the Constitution, he wished to know how it was implemented in practice and whether public servants or the judiciary were adequately trained to avoid making restrictive interpretations of that provision. It would be useful to learn whether steps were being taken to evaluate and amend laws to best serve the rights of children and how the government ensured that budgeting for children's affairs was made a priority at the local level. To what extent did government entities, medical professionals, prosecutors, judges and the police pay heed to children's views? Was the failure to do so a matter of resources or training?

15. Pointing out that impunity was more prevalent in cases of offences against children than offences against adults, he asked what steps were being taken to address cultural factors that made children more vulnerable to sexual violence and exploitation and to bring offenders to justice. He also asked whether the authorities involved families and communities in efforts to create a safe environment for children.

16. **The Chairperson** asked whether the State party had any plans to raise the minimum age of marriage to 18 years. Regarding violence against children, it had been reported to the Committee that one third of deaths of 15 to 17 year-olds were caused by or involved State agents. She requested further information in that regard and asked what measures were being taken to resolve the situation. Furthermore, the Committee had been informed that 46 per cent of deaths of children were due to tolerance of, or support for, demobilized paramilitary groups. She asked what was being done to deal with the emergence of drug-trafficking gangs allegedly linked to public officials and what measures had been taken to address gang violence in the streets.

17. She asked whether the policy of removing the victims of sexual violence from their homes during court proceedings was the best approach. Colombia had an extremely high rate of participation in international child pornography and sexual exploitation networks. Although there were laws in place in that regard, they did not seem to be implemented. She asked why the agencies operating in that field had become less dynamic and less effective and what was being done to address that problem.

18. Noting that indigenous children did not appear to enjoy the same level of protection against corporal punishment as other children, she asked whether the State party intended to prohibit corporal punishment entirely by amending the Civil Code.

19. Levels of domestic violence in Colombia were high. She asked whether the impact of a new law introducing stiffer penalties and ensuring that offenders were prosecuted had been measured and how that law was implemented. According to information received, many of the girls subjected to domestic violence were engaged in housework. She asked whether they were domestic workers and whether they were exposed to violence inflicted by their employers. What measures had been taken to protect children from violence within their families and to prevent domestic violence in general?

20. With regard to harmful practices, she asked whether there were any plans to prohibit female genital mutilation and whether related education initiatives had been assessed.

21. Lastly, she asked if the State party intended to prohibit bullfighting or introduce measures to prevent children from actively participating in or watching bullfights and from attending bullfighting schools.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

22. **Ms. Hoyos** (Colombia) said that a national training programme on the Children's and Young Persons' Code had been launched, targeting local authorities. Over the previous few years, development plans had focused increasingly on children and adolescents. Mayors, governors and even the President of Colombia were required, for the first time, to submit reports on public administration and the human rights situation. A second public

reporting process was being planned, dealing with indicators on childhood, adolescence and youth and Afro-Colombian and indigenous communities. Measures had been introduced for the assessment of children's participation in the work of the social policy councils. Under the Children's and Young Persons' Code, all mayors and governors had a duty to carry out a study on the situation of children and adolescents in the department or municipality for which they were responsible. The State party had recently approved a statute for young citizens and had established an information system on childhood and youth.

23. Following a review of the system of family commissioners' offices, the units responsible for monitoring violence within families, their functions would be revised. In 2009, legislation had been adopted on integrated protection for the family. Regional meetings, involving judicial officials and representatives of local authorities and civil society, had been held on the administrative process of the restoration of rights, as provided for in the Children's and Young Persons' Code. There were also plans to work with civil society organizations to assess that process.

24. The principle of the best interests of the child was implemented through legislation on victims, comprehensive protection and women. Interviews had been carried out nationwide with child victims of sexual violence with a view to formulating relevant recommendations. A committee on sexual violence had been set up to consider cases of such violence and to make recommendations to local authorities. The best interests of the child were taken into account by the national judicial system as a whole. Training was provided to administrative and judicial officials in that regard and there had been calls for that training to be extended to the armed forces and the police.

25. **Ms. Alarcón** (Colombia), referring to capacity-building at the local and national levels, said that local authorities currently had a duty to prepare policies on children and adolescents and the national family welfare system provided a solid national framework within which capacity-building activities could be carried out. The new national development plan would cover a number of strategic areas linked to capacity-building at the local level under development policies for early childhood, childhood and adolescence, including: the management of capacity-building at the municipal level; the mobilization of civil society; and active participation by children in the design of long-term plans and programmes. Funding for the Colombian Family Welfare Institute had been increased on an annual basis over the past few years and had almost doubled since 2010.

26. **The Chairperson** asked what proportion of the overall budget was allocated to issues affecting children. According to information received, that proportion had decreased.

27. **Ms. Plazas Michelsen** (Colombia) said that, in general, expenditure on children and adolescents had risen and the budget for education had been significantly increased over the previous few years.

28. **Ms. Alarcón** said that budgetary expenditure on early childhood development had also increased. In the area of child protection, Colombia was currently shifting its focus from violations of rights to the building of protective environments. A great deal of work was being carried out to improve education, health-care and cultural services. In the matter of prevention, training in parenting and childcare skills was provided to all families with infants. The aim in that regard was to bring about a change in relationships and interactions between children and families. Nationwide strategies on childhood and adolescence had resulted in positive outcomes, providing families with access to various services at the local level.

29. Turning to the issue of discrimination, she said that over the previous few years the authorities had focused on ethnic minority communities and legislation had been adopted that provided protection for vulnerable groups against acts of racism or discrimination. In the light of recently introduced legislation, ethnic minority groups had the right to set up

their own education and health-care services. As part of that process, the Government had undertaken to transfer resources to the communities concerned.

30. Work to save indigenous languages was ongoing and relevant legislation had been adopted in that regard. The Government's early childhood strategy took into account the importance of language in terms of identity and culture. Various programmes had been launched, such as the setting up of an audio library. A number of regulations and laws had also been translated into various indigenous languages. Furthermore, a national panel on indigenous children had been set up to ensure that the various government ministries and other bodies fulfilled commitments made regarding issues such as improved access to health care.

31. **Ms. Flórez** (Colombia) said that, in the light of a Constitutional Court ruling, the Government was working to ensure that all policies, plans and projects took into account the needs of ethnic minority communities and that resources were allocated accordingly. Recently introduced legislation providing protection against acts of racism or discrimination for vulnerable groups served as a foundation for activities targeting ethnic minority groups. Two panels had been set up: the first monitored the situation of indigenous children and the second focused on the implementation of policies regarding children of the various Afro-Colombian and indigenous communities. Representatives of the communities concerned took part in the work of the corresponding panels. The panel on indigenous communities and the national authorities had launched a number of projects on the prevention of sexual violence within indigenous communities. The State party was working to replicate that approach with the panel on Afro-Colombian communities.

32. Female genital mutilation had been reported only within the Embera Chamí community in the departments of Risaralda and Chocó. Investigations into the origins of the practice had been undertaken and a dialogue had been initiated between the national and indigenous legal systems. Midwives were also assisting in efforts to phase out the practice, which was prohibited and punishable by law. Although there had been a decline in the number of confirmed cases in hospitals, the process, which had been complicated by the uneven distribution of the Embera Chamí population, would take time and require pedagogical support and follow-up.

33. **The Chairperson** asked how the Government was monitoring the resettlement of the El Hatillo mining community. The delegation should also explain how companies were held accountable for the environmental impact of their activities and how informal mining was regulated.

34. **Mr. Borda Villegas** (Colombia) said that all companies needed an environmental permit to operate. Territorial authorities were tasked with policing industrial activities and evaluating the manner in which companies treated employees and their families. Some mining communities, such as El Hatillo, had been affected by vicious cycles of production and the Ministry of Labour had therefore intervened to ensure that families were not left unprovided for.

35. **The Chairperson** asked why the resettlement of the El Hatillo mining community had taken so long.

36. **Mr. Borda Villegas** (Colombia) said that the multinational company that held the mining licence for El Hatillo had contracted the services of a different operator for each of the mines that it owned. Changes in operators as a result of mine closures had made it difficult to determine who was responsible for violations of labour regulations and failures to provide guarantees. The Government had signed a cooperation agreement with the regional office of the International Labour Organization in Lima to assess the situation in El Hatillo and propose solutions for the families affected.

37. **Ms. Durán** (Colombia) said that the Attorney General's Office had recently undergone restructuring in order to better respond to the challenges it faced. Efforts had been focused on preventing crime and creating channels of access to justice for children and adolescents. To that end, the Office had identified best practices in existing victim support models and developed plans for new centres providing comprehensive support to victims of both domestic and sexual violence. Two centres were due to open in Tumaco and Buenaventura by July 2015 and there were proposals to build more throughout the country. As part of a pilot project under way in Bogotá, victims were receiving assistance from family welfare offices, the Colombian Family Welfare Institute and local authorities with a view to tackling the direct and indirect consequences of violence. Support was also being provided by the Directorate of Forensic Medicine and localized studies were being carried out to pinpoint the issues specific to each region of the country.

38. **Ms. Herczog** (Country Task Force) asked how the Government ensured that all children had access to early childhood development programmes and that parenting programmes were available to vulnerable groups, particularly teenage girls. Information on any campaigns on sexual and reproductive health would be appreciated.

39. She wished to know how the indicators under the integrated information system had been developed, how they were being used and whether they were based on the Committee's general comment No. 7 on implementing child rights in early childhood. Turning to child protection, she enquired about measures to prevent the separation of children from their families and facilitate reunification.

40. Given the link between mental health problems, abuse and social deprivation, she asked whether a holistic approach was taken to the provision of mental health, psychiatric rehabilitation and family support services. The delegation should comment on reports that there was a shortage of childcare professionals, whose training was often inadequate, and that children were removed from the family environment more often than was necessary. With regard to children's institutions, the delegation should respond to concerns that there were too many operators, many of which were not licensed or regulated. She also asked whether the State party intended to promote deinstitutionalization in favour of family- and community-based care, and invited the delegation to comment on reports of an imbalance between international and domestic adoptions.

41. While commending the decision of the National Economic and Social Policy Council to adopt document No. 166 on disability and social inclusion, she said that implementing regulations were lacking and that more effective strategies were needed to encourage inclusive education and accessibility.

42. Noting that child and maternal mortality rates remained high, particularly among vulnerable groups, she asked whether any early intervention programmes were in place to prevent the mother-to-child transmission of HIV. She also wished to know why registered children did not all automatically have access to public health services and whether steps were being taken to strengthen vaccination programmes. The delegation should comment on the issue of substance abuse in the State party and indicate what was being done to reduce pollution and improve water safety. Lastly, in relation to youth suicide, she asked whether campaigns had been launched to tackle psychosocial problems and their effects on families.

43. **Mr. Nogueira Neto** asked whether the State party had developed strategies to improve access to education, enhance the quality of teaching and reduce dropout rates, particularly among indigenous peoples. He also wished to know what steps had been taken to monitor the implementation of the free education policy and assess its impact on school completion and the quality of education. He asked whether efforts were being made to

achieve universal free education at all levels and whether the Government intended to further increase the education budget in order to reduce gaps in quality.

44. He said that he would appreciate information on measures to strengthen the hiring, retention and qualifications of teachers and ensure that they were present from the very beginning of the academic year, particularly in rural areas. It would also be useful to learn about efforts to implement full-day schooling and provide teachers with the necessary materials.

45. He asked whether the Government would evaluate its flexible education models for displaced and overage students to guarantee their relevance, sustainability and effectiveness in improving completion rates, what measures had been taken to strengthen human rights education in schools and what follow-up had been given to the implementation of the National Human Rights Education Plan in formal and informal settings.

46. **Mr. Madi** (Coordinator, Country Task Force) said that he wished to receive information about the mandate of the mobile support units mentioned in paragraph 73 of the State party's replies to the list of issues (CRC/C/COL/Q/4-5/Add.1) and asked what steps were being taken to address the root causes of forced displacement and provide comprehensive protection and support to affected children and their families.

47. He wished to know what additional measures were being taken to combat child labour, what training was given to labour inspectors and how many violations of child labour laws had resulted in prosecutions and convictions. He asked for an estimation of the number of children in street situations and a description of measures to tackle the issue, particularly in rural and remote areas, and to dispel the common misrepresentation of such children as criminals.

48. With regard to child trafficking, he wished to know the number of cases investigated and convictions handed down since 2012. The delegation should also explain what was done to support and rehabilitate victims.

49. He asked whether regressive proposals to lower the age of criminal responsibility, toughen sentences and expand the list of offences for which children could be imprisoned were persistent and, if so, whether they were endorsed by the Government. He enquired about the content and status of the draft decree referred to in paragraph 100 of the replies to the list of issues and invited the delegation to elaborate on measures to improve living conditions and prevent violence in juvenile detention centres, protect witnesses during legal proceedings and ensure the separation of children from adults in the justice system at all times. He would also appreciate information on the use of deprivation of liberty as a last resort.

50. Regarding the involvement of children in armed conflict, he invited the delegation to respond to concerns that child recruits were viewed as criminals, and asked how the activities of the Colombian Family Welfare Institute, the Comprehensive Victim Support and Reparation Unit and other victim support bodies were coordinated. The delegation should also comment on the low number of prosecutions in cases of recruitment and the alarming reports concerning sexual violence, including allegations that military and police officials responsible for acts of sexual violence against girls had not been prosecuted or punished. Noting that the Government often did not cover all the expenses incurred by victims of armed conflict and their families, he asked what additional efforts were being made to enhance the support provided.

51. Lastly, he wished to know whether children were actively involved in the ongoing peace process and, if so, how participants were selected. The delegation should indicate whether the Government was fully prepared for the post-peace process era.

The discussion covered in the summary record ended at 6.05 p.m.